

REMARKS

This application has been reviewed in light of the Office Action mailed August 29, 2006.

Reconsideration of this application in view of the below remarks is respectfully requested.

Claims 135 – 205 are pending in the application with Claims 135 and 171 being in independent form. By the present amendment, Claims 135 and 171 are amended. No new subject matter is introduced into the disclosure by way of the present amendment.

Initially, Applicants thank the Examiner for indicating that Claims 149, 162 – 166, 185 and 197 - 201 recite patentable subject matter and would be allowed if rewritten to overcome the rejections under 35 U.S.C. § 101, and § 112, first and second paragraphs; and in independent form including all the limitations of the base claim and any intervening claims.

I. Rejection of Claims 135 – 163 Under 35 U.S.C. § 101

Claims 135 – 163 are rejected under 35 U.S.C. § 101 because allegedly the limitations recited in these claims do not disclose a tangible embodiment but only a software process.

However, Claims 135 – 163 provide no requirement that the method claimed must be performed in software. In fact the method may be performed in a hardware implementation as shown in FIG. 3. As for a tangible embodiment, the invention as recited in Claim 135 clearly results in a digital data having an inserted digital signature as the output. However, Claim 135 has been amended to expressly recite: "...outputting the digital data with the digital signature inserted into the predetermined bits."

This amendment is believed to obviate the present rejection. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 135 – 163 under 35 U.S.C. § 101.

II. Rejection of Claims 135 – 205 Under 35 U.S.C. § 112, First Paragraph

Claims 135 – 205 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the Examiner contends that the support for the limitation “Global Positioning Satellite transmission” is lacking in the specification, thus the limitation is considered new matter. However, Global Positioning Satellite (i.e., GPS) transmissions are disclosed throughout the specification. (See: FIG. 4; and page 17, lines 7 – 27).

Therefore, the present rejection of Claims 135 – 205 under 35 U.S.C. § 112, first paragraph is respectfully traversed. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 135 – 205 under 35 U.S.C. § 112, first paragraph.

III. Rejection of Claims 135 – 205 Under 35 U.S.C. § 112, Second Paragraph

Claims 135 – 205 are rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner takes issue with the recitation of “inserting a digital signature into digital data” in the preamble of Claims 135 and 171, because previously canceled Claims 130 – 133 recite “inserting data into digital data” and the summary of the invention provides the same disclosure. Therefore, the Examiner is unsure whether this is a typographical error or not. In addition, the Examiner asserts that the limitation of “signing the digital data” is unclear regarding whether signing the digital data contains signing the inserted digital signature that was earlier inserted into the digital data.

However, Applicants believe that the preamble as recited in Claims 135 and 171 is correct, and thus does not need to be amended. Support for inserting a digital signature in digital data is found in FIG. 2A and page 10, line 9 through page 11, line 3.

To better define the present invention, Claims 135 and 171 have been amended to recite: “...signing the digital data, excluding the predetermined bits in the digital data, with the digital signature, the digital data including the inserted associated data...”

Additionally, the Examiner is confused regarding the claimed steps. However, the associated data, not the digital signature is inserted into the digital data prior to the signing step; the digital signature is inserted into the predetermined bits of the digital data after the digital data has been signed with the digital signature.

Therefore, Claims 135 – 205 are believed to obviate the rejection under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 135 – 205 under 35 U.S.C. § 112, second paragraph.

IV. Rejection of Claims 135, 137–148, 150–161, 167–171, 173–184, 186–196 and 202–205

Under 35 U.S.C. § 103(a)

Claims 135, 137 – 148, 150 – 161, 167 – 171, 173 – 184, 186 – 196 and 202 – 205 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,061,451 issued to Mauratani et al. in view of U.S. Patent No. 5,640,002 issued to Ruppert et al. and further in view of U.S. Patent No. 5,175,765 issued to Perlman.

Mauratani et al. discloses a method and system for decrypting and encrypting data. Mauratani et al. discloses using an encryption/decryption key system for protecting data from illegal use.

However, Mauratani et al. fails to disclose signing digital data using a digital signature, as recited in Applicants’ Claim 135. The method disclosed in Mauratani et al. encrypts data so that only authorized users can view the data. In contrast, Applicants’ invention, as recited in Claim

135, does not encrypt the digital data, thus the digital data is viewable by anyone, however, by inserting a digital signature (and signing) the data, Applicants' claimed invention provides a method for authenticating the origin of the data.

In addition, Claim 135 recites "at least a portion of the associated data [inserted in the digital data] includes data identifying a public key for decrypting the digital signature..." Mauratani et al. fails to disclose or suggest including in the associated data inserted in the digital data identification of a public key for decrypting the digital signature. In fact, Mauratani et al. discloses storing a public key in the authentication/access controller 74. (See: col. 5, lines 55 – 58; and col. 5, line 65 – col. 6, line 2).

With regards to Ruppert et al., the Examiner contends that the reference discloses receiving data comprising a public key and inserting the received data into predetermined bits, as shown in FIG. 41, blocks 749 and 751. However, Ruppert et al. discloses transmitting a public key from a kiosk computer to a host computer in block 749; and that the received public key is then used to encrypt data including a product serial number and store ID. Contrary to the Examiner's statement, Ruppert et al. does not insert the public key into the data containing the serial number and store ID. Additionally, Ruppert et al. fails to overcome the other deficiencies identified in Mauratani et al., as well. Specifically, Ruppert et al. fails to disclose or suggest signing digital data using a digital signature.

The Examiner further contends that Perlman discloses a digital data including a digital signature and a public key. However, while Perlman inserts a public key into the digital data, Applicants' invention, as recited in Claims 135 and 171, do not insert a public key into the digital data, but rather insert data identifying a public key that is needed to decrypt the inserted digital signature.

Therefore, for at least the above-identified reasons, Mauratani et al., Ruppert et al. and Perlman, taken alone or in any proper combination, fail to disclose or suggest Applicants' claimed invention. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 135, 137 – 148, 150 – 161, 167 – 171, 173 – 184, 186 – 196 and 202 – 205 under 35 U.S.C. § 103(a) over Mauratani et al. in view of Ruppert et al. and further in view of Perlman.

V. Rejection of Claims 136 and 172 under 35 U.S.C. § 103(a)

Claims 136 and 172 are rejected under 35 U.S.C. § 103(a) as allegedly obvious because applying a hash function is well known in the art regardless of the digital format. However, Claims 136 and 172 depend from independent Claims 135 and 171, respectively; and thus include all the limitations recited therein by those independent claims. Therefore, for at least the reasons provided above, Claims 136 and 172 are allowable over the cited prior art references as well. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 136 and 172 under 35 U.S.C. § 103(a).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 135 – 205 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

Thomas Spinelli
Reg. No. 39,533

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343

TS:DAT:jam